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January 11, 2007

**VIA HAND DELIVERY**

Lawrence H. Norton, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: **Matter Under Review 5881 (Bruce Bent)**

Dear Mr. Norton:

This response is filed on behalf of Bruce Bent in the above-captioned matter.

In short, the Complaint asserts that Mr. Bent made excessive contributions to Club for Growth Inc. PAC ("Club PAC") in 2006, but the fact is that Mr. Bent did not make excessive contributions. The Complaint also asserts that Mr. Bent made contributions to Club PAC with the knowledge that such contributions would be used to support the campaign of Tim Walberg. This is untrue. The fact is that Mr. Bent had no knowledge of how Club PAC was going to use any contributions when he made his permissible contributions.

Because the allegations against Mr. Bent have no basis in either the facts or the law, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that Mr. Bent violated the Federal Election Campaign Act ("Act") and dismiss the Complaint against Mr. Bent.

**THE COMPLAINT**

The Complaint was filed by the campaign of Michigan candidate Joe Schwarz, Schwarz for Congress, on November 16, 2006. The Complaint makes two unsubstantiated charges against Mr. Bent. First, the Complaint (in Count 1) alleges that Mr. Bent made contributions in excess of \$5,000 to Club PAC in 2006. Second, the Complaint (in Count 3) alleges that Mr. Bent, among others, "knew that a substantial portion of their contributions to CFG-PAC would, in fact, be expended to support Walberg for Congress" and, as such, "exceeded the \$2,100 limit to Walberg for Congress for the 2006 primary election".

The Complaint attaches, as Exhibit 4, a computer disc purporting to show contribution data for contributions by certain persons to Club PAC and to Walberg

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for Congress. This data, along with the interpretation of the data in the Complaint, does not match the data found on the Commission's website or as found in the reports of Club PAC, also found on the Commission's website.

### THE FACTS

Contrary to the allegations in the Complaint, Mr. Bent did not engage in any conduct contrary to the Act. Mr. Bent simply made permissible and reported contributions to Club PAC as well as earmarked contributions to candidates.

Mr. Bent only made one \$5,000 contribution to Club PAC in 2006. Affidavit of Bruce Bent ¶ 2, dated January 8, 2007, attached hereto at Tab A [hereinafter "Bent Aff."]. Mr. Bent did not make any additional contributions to Club PAC in 2006. *Id.*

In addition, Mr. Bent made the following earmarked candidate contribution in 2006, which the Complaint erroneously categorizes as a contribution to Club PAC: \$2,000 to Texans for Henry Cuellar. *Id.* ¶ 4. (The data attached to the Complaint at Exhibit 4 mistakenly counts this earmarked candidate contribution as a contribution by Mr. Bent to Club PAC itself (with a receipt date of January 24, 2006), thereby incorrectly pushing Mr. Bent over the \$5,000 yearly contribution limit for 2006 in the analysis of the Complaint.)

### THE LAW

An individual may contribute up to \$5,000 per calendar year to a non-candidate, non-party political committee. 11 C.F.R. § 110.1(d). An individual also may contribute \$2,100 per election to a candidate for federal office subject to an aggregate limit of \$40,000 per election cycle. *Id.* §§ 110.1(b)(1), 110.5.

Section 110.1(h) of the Commission's regulations provides, in pertinent part, as follows:

(h) *Contributions to committees supporting the same candidate.* A person may contribute to a candidate or his or her authorized committee with respect to a particular election and also contribute to a political committee which has supported, or anticipates

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supporting, the same candidate in the same election,  
as long as--

...

(2) The contributor does not give with the  
knowledge that a substantial portion will be  
contributed to, or expended on behalf of, that  
candidate for the same election; and

....

*Id.* § 110.1(h).

## DISCUSSION

### A. Mr. Bent Did Not Make Any Excessive Contributions

The allegation in the Complaint that Mr. Bent made excessive contributions to Club PAC is erroneous. Contrary to the faulty data attached to the Complaint at Exhibit 4 and per the data posted on the Commission's website, Mr. Bent's contribution to Club PAC complied with the \$5,000 per-calendar-year limit contained in 11 C.F.R. § 110.1(d). Bent Aff. ¶ 2. The other contribution by Mr. Bent that the Complaint alleges to have been made to Club PAC was in fact an earmarked candidate contribution made by Mr. Bent through Club PAC and was reported as such. *Id.* ¶ 4. *See also* page from Club PAC reports from the FEC database attached at Tab B (showing earmarked contribution). The Complaint simply uses erroneous data and makes faulty deductions from such data.<sup>1</sup>

### B. Mr. Bent Did Not Know How Club PAC Was To Use His Contributions

The Complaint alleges that Mr. Bent inappropriately contributed to Club PAC because he purportedly knew that his contribution was going to be used to support Walberg for Congress. This is simply incorrect.

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<sup>1</sup> For whatever reason, the donor lookup program on the Commission's website incorrectly lists Mr. Bent's Cuellar contribution as a contribution to Club PAC, but the underlying page from the Club PAC report to which the donor lookup program links clearly shows that the contribution was an earmarked contribution to the Cuellar campaign. *See also* Tab B.

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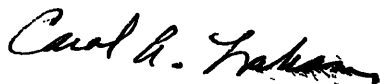
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In contrast to the Complaint's assertions about individual contributors' knowledge about future Club PAC activity, it is clear from Mr. Bent's sworn affidavit that he did not know how Club PAC would use contributions that it received from individuals like himself, other than to support conservative candidates generally. Bent Aff. ¶ 3. Mr. Bent did not have any knowledge that his contribution to Club PAC would be used for any particular campaign or to support any particular candidate, much less Walberg for Congress. Accordingly, Mr. Bent did not make excessive contributions to the Walberg campaign by virtue of his Club PAC contributions, for he lacked the "knowledge" requirement found in 11 C.F.R. § 110.1(h).

#### CONCLUSION

In sum, the Commission should find no reason to believe that Mr. Bent violated the Act and should dismiss him from this Matter. Mr. Bent neither made excessive contributions to Club PAC nor made excessive contributions to Walberg for Congress through the operation of 11 C.F.R. § 110.1(h).

Sincerely,



Carol A. Laham  
D. Mark Renaud

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Club for Growth, Inc. PAC  
*et al.*

)  
)  
)  
MUR 5881

**Affidavit of Bruce Bent**

1. My name is Bruce Bent, and I make the following statements to the best of my knowledge and belief.
2. In 2006, I made a \$5,000 contribution to the Club for Growth, Inc. PAC. I did not make any additional contributions to Club for Growth, Inc. PAC in 2006.
3. When I made the above-described contributions to Club for Growth, Inc. PAC, I did not know how Club for Growth, Inc. PAC might use the funds contributed other than to support conservative candidates generally.
4. I also made the following earmarked candidate contribution in 2006 by personal check that relates to this Complaint: \$2,000 to Texans for Henry Cuellar.

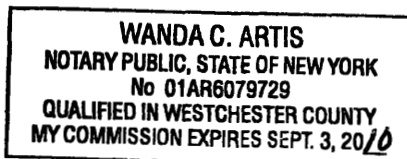
Under penalty of perjury and any other penalties possibly applicable under law, I swear that the foregoing statements are true to the best of my knowledge, belief, and recollection.

  
\_\_\_\_\_  
Bruce Bent

Sworn and subscribed to  
Before me this 8 day of  
January, 2007.

  
\_\_\_\_\_  
Notary Public

My commission expires: Sep 3, 2010



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ITEMIZED RECEIPTS**Use separate schedule(s)  
or each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 41 / 742

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<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16
<input type="checkbox"/> 17			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (in Full)

CLUB FOR GROWTH INC PAC

<b>A</b> Full Name (Last, First, Middle Initial) Bruce Bern		Date of Receipt 01 / 24 / 2006	
Mailing Address 125D Broadway 32nd Floor		Transaction ID: SA11A1 66449	
City New York State NY Zip Code 10021		Amount of Each Receipt this Period 2000.00	
FEC ID number of contributing federal political committee C		Earmarked: Cuellar for Cong. House TX-28	
Name of Employer The Reserve Funds Receipt For: 2006 X Primary General Other (specify) ▼		[MEMO ITEM]	
Occupation Chief Executive Officer Aggregate Year-to-Date ▼ 00			
<b>B.</b> Full Name (Last, First, Middle Initial) Benjamin Bernstein		Date of Receipt 01 / 04 / 2008	
Mailing Address 1115 South Main St		Transaction ID: SA11A1 66450	
City Bel Air State MD Zip Code 21014		Amount of Each Receipt this Period 20.00	
FEC ID number of contributing federal political committee C		Earmarked: Lafayette for Senate Sen-RI	
Name of Employer Berneste-Robinson Receipt For: 2006 X Primary General Other (specify) ▼		[MEMO ITEM]	
Occupation President Aggregate Year-to-Date ▼ .00			
<b>C.</b> Full Name (Last, First, Middle Initial) Herbert Bernstein		Date of Receipt 01 / 30 / 2006	
Mailing Address 9425 Via Patricia		Transaction ID: SA11A1 66451	
City Burbank State CA Zip Code 91504-1325		Amount of Each Receipt this Period 50.00	
FEC ID number of contributing federal political committee C		Earmarked: Angle for Cong House NV-02	
Name of Employer n.a. Receipt For: 2006 X Primary General Other (specify) ▼		[MEMO ITEM]	
Occupation Retired Aggregate Year-to-Date ▼ 00			
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TOTAL This Period (last page this line number only) ..			

FEC Schedule A (Form 3X) Rev 02/2003

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